APPENDIX A
Claim Amendments

1. (Amended) A method for enhancing the expression of a transgene in a dividing cell comprising:

(a) contacting said dividing [a target] cell with a DNA-damaging agent; and

(b) transferring said transgene into said dividing [target] cell between greater than about 1 day and [-] less than or equal to 4 days after contacting said dividing [target] cell with said DNA damaging agent.

2. (Canceled) The method of claim 1, wherein said target cell is a dividing cell.

7. (Amended) The method of claim 1, wherein said transgene is transferred at about 2 days after contacting said dividing [target] cell with said DNA-damaging agent.

9. (Amended) The method of claim 1, wherein said transgene is a tumor suppressor gene.

10. (Amended) The method of claim 9, wherein said tumor suppressor gene is p53.

12. (Amended) The method of claim 11, wherein said promoter is a [the] CMV IE promoter.

16. (Amended) The method of claim 1, wherein said contacting of said DNA-damaging agent with said dividing cell is discontinued [removed from said cell] and wherein said transgene is transferred into said dividing [target] cell between greater than about 1 day and [-] less than or equal to 3 days after said contacting of [removing] said DNA-damaging agent with said dividing cell is discontinued.

17. (New) A method for enhancing the expression of a transgene in a target neoplastic cell *in vivo*, comprising:

(a) administering a DNA-damaging agent to a subject containing a target neoplastic cell; and

(b) transferring said transgene into said target cell between greater than about 1 day and less than or equal to 4 days after said administering step.

18. (New) The method of claim 17, wherein said tumor cell is cisplatin sensitive.

19. (New) The method of claim 17, wherein said tumor cell is cisplatin insensitive.

20. (New) The method of claim 17, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

21. (New) The method of claim 17, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

22. (New) The method of claim 17, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

23. (New) The method of claim 17, wherein said transgene is a tumor suppressor.

24. (New) The method of claim 23, wherein said tumor suppressor is p53.

25. (New) The method of claim 24, wherein said p53 transgene is under the transcriptional control of a promoter.

26. (New) The method of claim 25, wherein said promoter is a CMV IE promoter.

27. (New) The method of claim 26, wherein said transgene is regulated by a polyadenylation signal.

28. (New) The method of claim 27, wherein said polyadenylation signal is an SV40 polyadenylation signal.

29. (New) The method of claim 28, wherein said p53 transgene is carried in an adenoviral vector.

30. (New) The method of claim 17, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between greater than about 1 day and less than or equal to 3 days after removing said DNA-damaging agent.

31. (New) A method for enhancing the expression of a transgene in a target neoplastic cell *in vitro*, comprising:

(a) contacting said target neoplastic cell with a DNA-damaging agent;

(b) transferring said transgene into said neoplastic cell between greater than about 1 day and less than or equal to 4 days after said contacting step, whereby expression of the transgene is enhanced as the result of the treatment of said target neoplastic cell with said DNA-damaging agent.

32. (New) The method of claim 32, further comprising removing said DNA-damaging agent from said cell and transferring said transgene into said target neoplastic cell between greater than about 1 day and less than or equal to 3 days after removing said DNA damaging agent.

33. (New) The method of claim 32, wherein said tumor cell is cisplatin insensitive.

34. (New) The method of claim 32, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin,

dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

35. (New) The method of claim 32, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

36. (New) The method of claim 32, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

37. (New) The method of claim 32, wherein said transgene is a tumor suppressor.

38. (New) The method of claim 37, wherein said tumor suppressor is p53.

39. (New) The method of claim 38, wherein said p53 transgene is under the transcriptional control of a promoter.

40. (New) The method of claim 39, wherein said promoter is a CMV IE promoter.

41. (New) The method of claim 40, wherein said transgene is regulated by a polyadenylation signal.

42. (New) The method of claim 41, wherein said polyadenylation signal is an SV40 polyadenylation signal.

43. (New) The method of claim 42, wherein said p53 transgene is carried in an adenoviral vector.

44. (New) The method of claim 32, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between greater than about 1 day and less than or equal to 3 days after removing said DNA-damaging agent.

45. (New) The method of claim 16, wherein said contacting of said DNA-damaging agent with said target cell is discontinued by ceasing administration of said DNA-damaging agent.

APPENDIX B
Pending Claims

1. A method for enhancing the expression of a transgene in a dividing cell comprising:

(a) contacting said dividing cell with a DNA-damaging agent; and

(b) transferring said transgene into said dividing cell between greater than about 1 day and less than or equal to 4 days after contacting said dividing cell with said DNA damaging agent.

3. The method of claim 2, wherein said dividing cell is a tumor cell.

4. The method of claim 3, wherein said tumor cell is cisplatin sensitive.

5. The method of claim 3, wherein said tumor cell is cisplatin insensitive.

6. The method of claim 1, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

7. The method of claim 1, wherein said transgene is transferred at about 2 days after contacting said dividing cell with said DNA-damaging agent.

8. The method of claim 1, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

9. The method of claim 1, wherein said transgene is a tumor suppressor gene.

10. The method of claim 9, wherein said tumor suppressor gene is p53.

11. The method of claim 10, wherein said p53 transgene is under the transcriptional control of a promoter.

12. The method of claim 11, wherein said promoter is a CMV IE promoter.

13. The method of claim 12, wherein said transgene is regulated by a polyadenylation signal.

14. The method of claim 13, wherein said polyadenylation signal is an SV40 polyadenylation signal.

15. The method of claim 14, wherein said p53 transgene is carried in an adenoviral vector.

16. The method of claim 1, wherein said contacting of said DNA-damaging agent with said dividing cell is discontinued and wherein said transgene is transferred into said dividing cell between greater than about 1 day and less than or equal to 3 days after said contacting of said DNA-damaging agent with said dividing cell is discontinued.

17. A method for enhancing the expression of a transgene in a target neoplastic cell *in vivo*, comprising:

(a) administering a DNA-damaging agent to a subject containing a target neoplastic cell; and

(b) transferring said transgene into said target cell between greater than about 1 day and less than or equal to 4 days after said administering step.

18. The method of claim 17, wherein said tumor cell is cisplatin sensitive.

19. The method of claim 17, wherein said tumor cell is cisplatin insensitive.

20. The method of claim 17, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

21. The method of claim 17, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

22. The method of claim 17, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

23. The method of claim 17, wherein said transgene is a tumor suppressor.

24. The method of claim 23, wherein said tumor suppressor is p53.

25. The method of claim 24, wherein said p53 transgene is under the transcriptional control of a promoter.

26. The method of claim 25, wherein said promoter is a CMV IE promoter.

27. The method of claim 26, wherein said transgene is regulated by a polyadenylation signal.

28. The method of claim 27, wherein said polyadenylation signal is an SV40 polyadenylation signal.

29. The method of claim 28, wherein said p53 transgene is carried in an adenoviral vector.

30. The method of claim 17, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between greater than about 1 day and less than or equal to 3 days after removing said DNA-damaging agent.

31. A method for enhancing the expression of a transgene in a target neoplastic cell *in vitro*, comprising:

(a) contacting said target neoplastic cell with a DNA-damaging agent;

(b) transferring said transgene into said neoplastic cell between greater than about 1 day and less than or equal to 4 days after said contacting step, whereby expression of the transgene is enhanced as the result of the treatment of said target neoplastic cell with said DNA-damaging agent.

32. The method of claim 32, further comprising removing said DNA-damaging agent from said cell and transferring said transgene into said target neoplastic cell between greater than about 1 day and less than or equal to 3 days after removing said DNA damaging agent.

33. The method of claim 32, wherein said tumor cell is cisplatin insensitive.

34. The method of claim 32, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

35. The method of claim 32, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

36. The method of claim 32, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

37. The method of claim 32, wherein said transgene is a tumor suppressor.

38. The method of claim 37, wherein said tumor suppressor is p53.

39. The method of claim 38, wherein said p53 transgene is under the transcriptional control of a promoter.

40. The method of claim 39, wherein said promoter is a CMV IE promoter.

41. The method of claim 40, wherein said transgene is regulated by a polyadenylation signal.

42. The method of claim 41, wherein said polyadenylation signal is an SV40 polyadenylation signal.

43. The method of claim 42, wherein said p53 transgene is carried in an adenoviral vector.

44. The method of claim 32, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between greater than about 1 day and less than or equal to 3 days after removing said DNA-damaging agent.

45. The method of claim 16, wherein said contacting of said DNA-damaging agent with said target cell is discontinued by ceasing administration of said DNA-damaging agent.